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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
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v.)
)
GARY JAMES ROLLER,)
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Defendant.)
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No. CR 08-00361 RMW

**STIPULATION AND []
ORDER CONTINUING STATUS
CONFERENCE FROM MAY 3, 2010 TO
JULY 19, 2010, AND EXCLUDING
TIME FROM MAY 3, 2010 TO JULY 19,
2010, FROM CALCULATIONS UNDER
THE SPEEDY TRIAL ACT (18 U.S.C. §
3161)**

The parties hereby request that the Court enter this order continuing the status conference from May 3, 2010 to July 19, 2010, and excluding time from May 3, 2010 to July 19, 2010. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from May 3, 2010 to July 19, 2010 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, additional motions are appropriate.

On March 15, 2010, defendant and defense counsel reviewed the evidence in the

1 government's possession. On April 14, 2010, defense counsel contacted government counsel and
2 requested additional discovery. The government is in the process of collecting and providing
3 this discovery to defendant and defense counsel. Once this discovery has been provided,
4 defendant and defense counsel will need additional time to review and analyze it. Moreover,
5 government counsel will be beginning a trial in on May 25, 2010 that is expected to last several
6 weeks.

7 Therefore, for effective preparation of defense counsel, the parties agree that the status
8 conference currently scheduled for May 3, 2010 should be continued to July 19, 2010 at 9 a.m.

9 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
10 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
11 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
12 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for
13 the period from May 3, 2010 to July 19, 2010.

14 Given these circumstances, the parties believe, and request that the Court find, that the
15 ends of justice are served by excluding from calculations the period from May 3, 2010 to July
16 19, 2010 outweigh the best interests of the public and the defendant in a speedy trial under the
17 Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

18 IT IS SO STIPULATED.

19 DATED: 4/26/10

/s/ Richard Pointer
RICHARD POINTER
Attorney for Defendant

22 DATED: 4/26/10

/s/ Hanley Chew
HANLEY CHEW
Assistant United States Attorney
Attorney for Plaintiff

24 **[] ORDER**

25 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
26 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
27 U.S.C. § 3161, from May 3, 2010 to July 19, 2010, based on the need for the defense counsel to
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1 investigate further the facts of the present case, review the discovery that the government has
2 already provided and will provide and evaluate further possible defenses and motions available
3 to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense
4 and is in the defendant's best interests; and (3) the ends of justice are served by excluding from
5 Speedy Trial calculations the period from May 3, 2010 to July 19, 2010.

6 Accordingly, the Court further orders that (1) the status conference currently scheduled
7 for May 3, 2010 is vacated and that the next appearance date before this Court is scheduled for
8 July 19, 2010 at 9:00 a.m.; and (2) the time from May 3, 2010 to July 19, 2010 is excluded from
9 time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

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11 IT IS SO ORDERED.

12 DATED: 5/6/10

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14 THE HONORABLE RONALD M. WHYTE
15 United States District Court Judge
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